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MASSACHUSETTS

Settlement Laws

1922

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*Massachusetts. laws, statutes, etc.
= Public welfare law*

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC WELFARE

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CHAPTER 116, GENERAL LAWS

(INCLUDING AMENDMENTS TO JAN. 1, 1923)

SECTION 1. Legal settlements may be acquired in any town in the following manner and not otherwise: **Acquirement of legal settlements, etc.**

First, Except as provided in the following clause, each person who, after reaching the age of twenty-one has resided in any town within the commonwealth for five consecutive years, shall thereby acquire a settlement in such town. **By residence.**

Second, A married woman shall follow and have the settlement of her husband; but if he has no settlement within the commonwealth, she shall retain the settlement, if any, which she had at the time of her marriage and may acquire a settlement under the preceding clause. **Married women.**

Third, Legitimate children shall follow and have the settlement of their father if he has one within the commonwealth, otherwise they shall follow and have the settlement of their mother if she has one; if the father dies during the minority of his children they shall thereafter follow and have the settlement of the mother. Upon the divorce of the parents the minor children shall follow and have the settlement of the parent to whom the court awards their custody. **Legitimate children.**

Fourth, Illegitimate children shall follow and have the settlement of their mother. **Illegitimate children.**

Fifth (Amended by chapter 177, Acts of 1922), A person who enlisted and was mustered into the military or naval service of the United States, as a part of the quota of a town in the commonwealth under any call of the president of the United States during the war of the rebellion or any war between the United States and any foreign power, or who was assigned as a part of the quota thereof after having enlisted and been mustered into said service, and his wife or widow and minor children, shall be deemed thereby to have acquired a settlement in such town; and any person who would otherwise be entitled to a settlement under this clause, but who was not a part of the quota of any town, shall, if he served as a part of the quota of the commonwealth, be deemed to have acquired a settlement, for himself, his wife or widow and minor children, in the place where he actually resided **How acquired by soldiers and sailors.**

at the time of his enlistment. Any person who was inducted into the military or naval forces of the United States under the federal selective service act, or who enlisted in said forces in time of war between the United States and any foreign power, whether he served as a part of the quota of the commonwealth or not, or who enlisted and served in said forces during the Philippine insurrection, and his wife or widow and minor children shall be deemed to have acquired a settlement in the place where he actually resided in this commonwealth at the time of his induction or enlistment. But these provisions shall not apply to any person who enlisted and received a bounty for such enlistment in more than one place unless the second enlistment was made after an honorable discharge from the first term of service, nor to any person who has been proved guilty of wilful desertion, or who left the service otherwise than by reason of disability or an honorable discharge.

**Settlements
in new
towns.**

Sixth, Upon the division of a town, every person having a legal settlement therein, but being absent at the time of such division, and not having acquired a legal settlement elsewhere, shall have his legal settlement in the town containing the last dwelling place or home which he had in the town so divided; and if a new town, composed of a part of one or more other towns is incorporated, every person legally settled in the towns of which such new town is so composed, and who actually dwells and has his home within the bounds of such new town at the time of its incorporation, and any person duly qualified as provided in the fifth clause of this section who, at the time of his enlistment dwelt and had his home within such bounds shall thereby acquire a legal settlement in such new town; but no person residing in that part of a town which upon such division is incorporated into a new town and who then has no legal settlement therein shall acquire any by force of such incorporation only, nor shall such incorporation prevent his acquiring a settlement in such town within the time and by the means by which he would have gained it there if no such division had been made.

**Not acquired
while receiv-
ing relief as
a pauper.**

SECTION 2. No person shall acquire a settlement, or be in process of acquiring a settlement, while receiving relief as a pauper, unless, within two years after receiving such relief, he tenders reimbursement of the cost thereof to the commonwealth or to the town furnishing it.

**Person re-
ceiving cer-
tain aid not
to acquire
settlement.**

SECTION 3. No person while receiving aid under chapter one hundred and eighteen or for whom the commonwealth or a town has

incurred expense in consequence of smallpox, scarlet fever, diphtheria, tuberculosis, dog bite requiring anti-rabic treatment or other disease dangerous to the public health, shall be deemed to be a pauper by reason thereof, but while receiving such aid and treatment he shall not acquire or be in process of acquiring a settlement.

SECTION 4. No person who actually supports himself and his family shall be deemed to be a pauper by reason of the commitment of his wife, child or other relative to a state hospital or institution of charity, reform or correction by order of a court or magistrate, and of his inability to maintain such person therein; or who, to the best of his ability, has attempted to provide for himself and his dependents and has not been a mendicant, and who, through no crime or misdemeanor of his own, has come into grievous need and receives aid or assistance given temporarily, or partial support continuously, to him or his family; provided, that nothing herein shall be construed to affect, directly or indirectly, settlement, poor, or pauper laws, or laws under which any charity, aid or assistance is furnished by public authority.

Certain persons not to be deemed paupers.

SECTION 5. (*Amended by chapter 479, Acts of 1922.*) Each settlement existing on August twelfth, nineteen hundred and eleven, shall continue in force until changed or defeated under this chapter, but from and after said date failure for five consecutive years by a person, after reaching the age of twenty-one, to reside in a town where he had a settlement shall defeat such settlement. The time during which a person shall be an inmate of any almshouse, jail, prison, or other public or state institution, within the commonwealth or in any manner under its care and direction, or that of an officer thereof, or of a soldiers' or sailors' home whether within or without the commonwealth, shall not be counted in computing the time either for acquiring or for losing a settlement, except as provided in section two. The settlement, existing on August twelfth, nineteen hundred and sixteen, of a soldier and his dependent eligible to receive military aid and soldiers' relief under existing laws shall be and continue in force while said soldier or dependent actually resides in the commonwealth and until a new settlement is gained in another town in the manner heretofore prescribed.

Existing settlements to continue in force until, etc.

SECTION 6. No person who has begun to acquire a settlement by the laws in force at and before the time when this chapter takes effect,

Provision for persons who have begun to acquire settlements.

in any of the ways in which any period of time is prescribed for a residence, or for the continuance or succession of any other act, shall be prevented or delayed by the provisions hereof; but he shall acquire a settlement by a continuance or succession of the same residence or other act, in the same time and manner as if the former laws had continued in force.

**Certain
settlements
defeated.**

SECTION 7. Any settlement not fully acquired subsequently to May first, eighteen hundred and sixty, is hereby defeated and lost, unless such settlement prevented a subsequent acquisition of settlement in the same place; but if a settlement acquired by marriage is so defeated, the former settlement, if any, of the wife, if not also so defeated, shall be revived.



